IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.612 OF 2004

Rahul Motors Pvt. Ltd. and
Ors. ..Petitioners

Vs.

Tata Engineering and
Locomotive Co.Ltd. & Anr. ..Respondents

...

Mr. Gajanan M.Savagave Advocate for Petitioners
Mr. R.S.Khodapkar A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 17,2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned M.M. 33rd Court at Ballard Estate, Mumbai in C.C.No.694/S/2003. In the said case process is issued under Section 138 r.w. 141 of Negotiable Instruments Act.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. The learned advocate for the petitioners are residents of Rohtak in State of Haryana and petitioner no.3 is a lady, hence, he has submitted that being residents of Rohtak and petitioner no.3 being lady, it is difficult for them to attend the trial Court, hence, they may be granted exemption till the disposal of the revision by the Sessions

Court. Looking to the facts of this case, petitioners are granted exemption in respect of personal appearance before the trial Court till disposal of the revision, provided that the necessary revision is filed within four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]